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Attorneys for Plaintiff

LINKSMART WIRELESS TECHNOLOGY, LLC

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

LINKSMART WIRELESS TECHNOLOGY,
 LLC

Plaintiff,

v.

WYNN RESORTS, LIMITED

Defendant.

Case No.: 2:18-CV-00868-MMD-NJK

**JOINT MOTION TO SUBSTITUTE
 PARTY**

Hon. Miranda M. Du

Plaintiff Linksmart Wireless Technology, LLC (“Linksmart”) and Wynn Resorts, Limited (“Wynn Resorts”) submit this Joint Motion to Substitute Party, and in support thereof state:

1. On May 14, 2018, Linksmart filed suit against Wynn Resorts alleging infringement of U.S. Reissued Patent No. RE46,459 (the “459 patent” or “Asserted Patent”). On June 4, 2018, the Court granted Linksmart’s and Wynn Resorts’ Joint Stipulation for Extension of Time to Respond to Complaint, setting Wynn Resorts’ deadline to answer or otherwise respond to the Complaint to July 16, 2018. On July 12, 2018, the Court granted the Parties’ Joint Stipulation for a 30-Day Extension of Time in Which to Answer or Otherwise Respond to Complaint, setting Wynn Resorts’ deadline to answer or otherwise respond to the Complaint to August 15, 2018.

2. The Parties agree to substitute Wynn Las Vegas, LLC (“Wynn Las Vegas”) in place of Wynn Resorts as the defendant in the above-captioned matter, such that all claims made against Wynn Resorts are now made against Wynn Las Vegas.

3. Wynn Las Vegas agrees that it is deemed to have been served with the Complaint and Summons on May 25, 2018, by way of service of the same to Wynn Resorts. Wynn Las Vegas agrees to answer or otherwise respond to the Complaint by August 15, 2018.

4. The Parties agree to dismiss Wynn Resorts without prejudice under Federal Rule of Civil Procedure 41(a).

5. Linksmart has not released, and nothing in this Motion should be construed as a release or discharge of, any claim Linksmart has or may have in the future against Wynn Resorts. All other rights have been expressly reserved.

6. Wynn Resorts has not waived, and nothing in this Motion should be construed as a waiver of, any defense Wynn Resorts has or may have in the future against any claims in this action. All other rights have been expressly reserved.

Accordingly, the Parties request that the Court enter an order substituting Wynn Las Vegas, LLC as Defendant in place of Wynn Resorts, Limited, and dismissing Wynn Resorts, Limited **without prejudice**.

Respectfully submitted,

Dated: August 15, 2018

RUSS, AUGUST & KABAT

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Attorneys for Defendant

WYNN RESORTS, LIMITED

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on August 14, 2018, with a copy of this document via the Court's CM/ECF system.

/s/ Kent N. Shum

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Plaintiff,

v.

WYNN RESORTS, LIMITED

Defendant.

Case No.: 2:18-CV-00868-MMD-NJK

**ORDER GRANTING JOINT
 MOTION TO SUBSTITUTE
 PARTY**

Having considered Plaintiff Linksmart Wireless Technology, LLC's Joint Motion to Substitute Party, the Court **GRANTS** the motion and substitutes Wynn Las Vegas, LLC as the defendant in place of Defendant Wynn Resorts Limited. Accordingly, the Court **DISMISSES** Wynn Resorts, Limited **WITHOUT PREJUDICE** and directs the District Clerk to add Wynn Las Vegas, LLC as a defendant in this action.

Dated: August 21, 2018



UNITED STATES DISTRICT JUDGE